

# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[This form is for prisoners to sue for civil rights violations. NEATLY print in ink (or type) your answers.]

Wayne E. Wilkerson

[You are the PLAINTIFF, print your full name on this line.]

v.

Miami Correctional Facility

[The DEFENDANT is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

Case Number 3:22-cv-421

[For a new case in this court, leave blank.  
the court will assign a case number.]

**FILED**  
MAY 31 2022  
At GARY T. BELL, Clerk M  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

## PRISONER COMPLAINT

#	Defendant's Name and Job Title	Work Address
1	[Put the defendant named in the caption in this box.] <u>Miami Correctional Facility</u>	<u>3038 C.R. 850 South Bunker Hill, IN 46914</u>
2	[Put the names of any other defendants in these boxes.]	
3		

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and work address of each defendant in a separate box as shown here.]

1. How many defendants are you suing? 1

2. What is the name and address of your prison or jail? Miami Correctional  
Facility - Indiana Department of Corrections

3. Did the event you are suing about happen there?  Yes.  No, it happened at: \_\_\_\_\_

4. On what date did this event occur? 2-13-2022 and 4-14-2022

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

## 5. When did this event happen?

- Before I was confined.  
 While I was confined awaiting trial.  
 After I was convicted while confined serving the sentence.  
 Other: \_\_\_\_\_

## 6. Have you ever sued anyone for this exact same event?

 No. Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).7. Could you have used a prison grievance system to complain about this event?  No, this event is not grievable at this prison or jail.

- Yes, I filed a grievance and attached is a copy of the response from the final step.  
 Yes, this event was grievable, but I did not file a grievance because \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

8. If you win this case, what do you want the court to order the defendant(s) to do?  
[NOTE: A case filed on this form will not overturn your conviction or change your release date.]

Monetary restitution for Emotional distress / pain  
and suffering \$1 700,000 -00

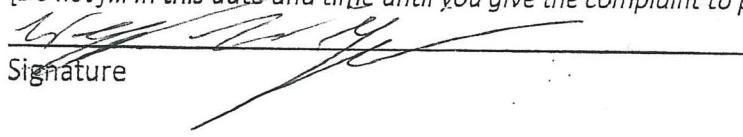
\_\_\_\_\_  
\_\_\_\_\_

[Initial Each Statement]

- I will pre-pay the filing fee OR file a prisoner motion to proceed in forma pauperis.  
 I will keep a copy of this complaint for my records.  
 I will promptly notify the court of any change of address.  
 I WILL NOT send more than one copy of any filing to the court.  
 I WILL NOT send summons, USM-285, or waiver forms to the clerk.  
 I declare under penalty of perjury that the statements in this complaint are true.

I placed this complaint in the prison mail system on 5/24/2022 at 2:00 am  pm.

[Do not fill in this date and time until you give the complaint to prison officials to send to the court.]

Signature 260406  
Prisoner Number

**NOTICE OF LOSS OF PROPERTY -TORT CLAIM**  
State Form 46808 (6-95)

Name of person making claim <i>Wayne E. Wilkerson</i>	DOC number <i>260406</i>	Name of facility Miami Correctional Facility
<b>NOTE</b>		
<ol style="list-style-type: none"> <li>This form must be completed if you are filing a claim for the replacement / reimbursement of lost personal property.</li> <li>You must provide as much detail, including what property was lost, the value of the property, and how the loss occurred, as possible in your Claim so that it may be reviewed and evaluated. If necessary, use additional sheets to explain your claim.</li> <li>Attach any pertinent documents or copies of documents that you may have which will aid in the evaluation of your claim.</li> <li>This form shall serve as notice to the Department of Correction as to your claim and must be submitted to the Department within 180 days from the date of the alleged loss.</li> <li>This form must be submitted to the Facility Head of the facility where the loss occurred, with a copy to: Indiana Department of Correction, Tort Claims Administrator, E334 Indiana Government Center South, 302 West Washington Street, Indianapolis, IN 46204.</li> </ol>		
<b>DESCRIPTION OF LOSS</b>		
<p>After requesting protective custody and having my mother call multiple times, Miami Correctional Facility neglected to provide safety and security resulting in me being raped multiple times.</p> <p>Twice in LHU, and once in NHU</p> <p>LHU- <del>5</del>-13-2022</p> <p>NHU- 4-14-2022</p>		
<p>I'm asking for \$700,000.00 in restitution for emotional damages.</p> <p>Attached to this is a detailed account of both events/assaults.</p>		
Signature of person making claim <i>Wayne E. Wilkerson</i>	Date (month, day, year) <i>5-24-2022</i>	
DO NOT WRITE BELOW THIS LINE		
Received by:	Date (month, day, year)	Case number
Comments:		

RE: Tort claims notice by: Wayne E. Wilkerson

To whom it may concern: Indiana Department of Corrections / Miami Correctional Facility,

Pursuant to Indiana's Tort Claim Act, Indiana Code 34-13-3-0.1, et seq., this letter is to provide you notice of claim for tort brought against Indiana Department of Corrections Miami Correctional Facility for Neglect to provide Safety and security resulting in two sexual assaults.

I Wayne E. Wilkerson while residing in L4U-150 was sexually assaulted. Then while in NHU-438 I was sexually assaulted again.

You will find a detailed account of both Assaults Attached to this letter. I'm seeking \$700,000<sup>00</sup> in restitution for Severe emotional distress and depression from said sexual Assaults, due to a blatant disregard bordering Neglect of Safety and Security on behalf of Miami Correctional Facility.

  
Wayne E. Wilkerson

Date and location of first assault- Lima Housing unit - 2-13-2022. <sup>131</sup>

I was moved to LHU on Thursday February 10<sup>th</sup> 2022. I requested protective custody on 2-10-22 but was denied. On Friday 2-11-22, after being threatened I placed on call to my mother (Tonnie Johnston Wilkerson) - asking her to call the Facility and tell them I was being extorted and threatened with physical violence. She was told that someone would come talk to me. No one ever did. I called my mom again on Saturday 2-12-22 begging her to call the facility again requesting help for me. I also filled out another PC form. I was denied. No help ever came. My mom called twice on 2-12-2022 to try to get me help. Then on 2-13-2022 while hiding in a room with a buddy (Sean Voltz) two offenders I didn't know came into the room. They proceeded to smoke meth while Sean and I talked. After the two men smoked meth for a while they asked Sean to leave his room. I attempted to leave as well but was forced to stay. One of the men produced a large shank - (prison knife) - and held it at my throat. The other man said if I wanted to stay in the dorm I was going to have to eat some dicks. I refused to perform oral sex on him. He then struck me multiple times in the

face. After he did that, he placed his hand on the back of my head and physically forced me to suck his dick. He ejaculated into my mouth causing me to gag. When the first man was done. The offender who had been holding a ~~knife~~ knife to my throat the whole time, pulled his dick out and physically forced me to suck his dick till he ejaculated as well. After the second offender finished he made me stand up and then he jerked my pants down and attempted to force himself into my anus. I jerked away and cried out in pain. They then stopped the assault. I got dressed as did both Attackers. I was told to stay in the room for 20-30 minutes before coming out or next time it would be worse.

I reported the rape on 2-14-2022 because there wasn't any chance to report on 2-13-2022. I was taken to the hospital in Kokomo and seen by a nurse - Mrs. DANA. She collected multiple swabs, and physical evidence due to there being semen on my pants, and t-shirt. I returned to the facility at approx 12:55 am. on 2-15-2022. I spoke with DJI Johnson and was placed in AHU restricted housing on protective custody.

After a couple weeks I spoke with DEI Johnson again it was on 3-23-22. I pointed out both attackers via video recording to Investigator Johnson. However his demeanor showed he neither cared nor believed me due to me being a sex offender and a homosexual. I requested to be left in AHU on PC and Johnson told me "you will not be placed back on the yard-(general population)". The next day they tried to put me in IHU. I cut my wrist and was placed on Suicide ~~watch~~ and then moved to RHU. On 3-25-22 I was placed in NHU where I filled out another protective custody form and was denied. I then proceeded to cut both arms from elbow to wrist multiple times to be removed from housing unit because I was afraid of being sexually assaulted again. I informed multiple staff Mr. Owens a case manager for NHU and Sgt. Kirby a Sgt. for Miami Correctional unit. Both attempted to help but were unable to assist due to negligence of the facility. This resulted in me being raped again on 4-14-2022 while being housed in NHU.

Date and location of second attack- NHU-438- 4-14-2022

After being let out for recreation an offender who told me his name was "D" came into my room, NHU-438. He said I know your gay and what you're in for - meaning me being a sex offender - he said "If you want to live in here and not have any problems you gonna be my bitch, or I'll go get five of my brothers and we'll come stomp you out. Since you have no intercom in your room you won't be getting any help." I had already been raped once just a few weeks prior and was still pretty shaken about being ~~being~~ back in population so I performed oral on him out of fear of being physically assaulted again. After he finished I spit his semen onto an old T-shirt. "D" said "be ready when I want you or else." I reported the rape that same day. I gave my initial statement to Lt. Sowards who then called Prea compliance manager Ms. Harbough who also took my statement. I brought with me the t-shirt I spit the semen onto. I was transported to St. Vincent's in Indianapolis where I was seen by Miss Brooke a sexual assault exam was performed. She took multiple swabs and pictures of my areas because the

Attacker aggressively fingered me while I performed oral on him. Miss Broolie also took the t-shirt for evidence. I returned to the facility around 12:30 am on 4-15-2022 and was immediately placed on protective custody in AHU. The next day I was moved to BHU on Suicide watch where I remain to this day on 5-2~~7~~-2022.

Since these attacks I have trouble sleeping. Can't be touched without flinching for being scared of another assault. When I do sleep I have nightmares of being held down and raped. I wake up sweaty and shaking. I've had multiple panic attacks and I'm suffering now from depression and PTSD. I feel ashamed of what has happened, like it's somehow my fault, because I'm gay. If Miami Correctional Facility would have acted when I filed the first PC form this never would have happened. I'm seeking for \$1700,000~~00~~ in restitution for emotional pain and suffering, due to ~~neglect~~ Neglect of safety and security.

Wayne Lipp  
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